



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 08-058

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

1. Statutory Authority

The definition of “granular roofing materials” in s. Trans 263.02 (1) is limited to only materials transported “from a mine to a processing plant where the product is processed or stored for sale...” These limitations are not included in s. 348.27 (15), Stats., and would prevent an applicant from transporting granular roofing materials between processing or storage facilities under a permit issued under that subsection. If such a limitation is retained despite its absence from the enabling statute, it should be removed from the definition of “granular roofing materials” and placed in a substantive provision.

2. Form, Style and Placement in Administrative Code

a. In s. Trans 263.04 (intro.) “all of” should be inserted before “the following.” In s. Trans 263.06 (15) (intro.), “may not do any of the following” should replace “does not.” In s. Trans 263.08 (1) (intro.), “do all of the following” should be inserted before the colon.

b. In s. Trans 263.06, should “%” be inserted before the final period?

4. Adequacy of References to Related Statutes, Rules and Forms

The statutory references in ss. Trans 263.05 (5) and 263.06 (19) should be followed by “, Stats.”